



## Austin City Council MINUTES

For APRIL 13, 1989 - 1:00 P.M.

Council Chambers, 307 West Second Street, Austin, Texas

Mayor Cooke called to order the meeting of the Council, noting the presence of all Councilmembers.

### MINUTES APPROVED

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Nofziger's second, approved minutes for regular meeting of April 6, 1989. (4-0 Vote, Councilmembers Carl-Mitchell, Humphrey and Urdy out of the room.)

### CITIZEN COMMUNICATIONS

Mr. William Apt discussed an ordinance regarding barking dogs. Mr. Robert L. Akers discussed violation of process in the AustinPlan. Andrew L. Wells Jr. P.E., discussed payment for additional services to Slaughter Lane Water & Wastewater. Mr. William Luker discussed actions toward homeless people. Mr. Felix R. Rosales Jr. talked about commercial corridor designations of the Montopolis areas and Community Economic Development Program of the 14th year CDBG. Mr. Enrique Lopez Jr. discussed the same subject. Mr. John Sifuentes was not present. Mr. William Teten discussed the new airport development plan. Mr. Rick McCulley talked about progress on airport project. Mr. Paul Robbins discussed energy related matters.

### BOARD AND COMMISSION REPORTS

The Legislative Update was presented by Gwen Webb and Sandy Sanford. A report was given concerning the Golf Advisory Board by Dick Kemp.

### CONSENT ORDINANCES

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Humphrey's second, waived the requirement for three readings and finally passed the following ordinances all in one consent motion: (7-0 Vote)

### Meeting Cancelled

Cancelled the May 18, 1989 regular council meeting.

### Variance Approved

Approved request for variance from right-of-way dedication from City Vending Company at 905 East 7th Street, Case #SP-89-006CS.

Speed Zones

Approved amending the Austin City Code to modify the following speed zones:

Section 11-2-99(d) 20 mph when flashing is due to a change in the name of Patton Road to Patton Ranch Road. This modification does not change the posted speed limit.

Delete: Patton Road from 1,000 feet south of School Road (south curb) to 280 feet north of School Road (north curb) (Oak Hill Elementary School).

School Road from Patton Road to Parkwood Drive (Oak Hill Elementary School).

Add: Patton Ranch Road from 1,000 feet south of School Road (South Curb) to 280 feet north of School Road (north curb) (Oak Hill Elementary School).

School Road from Patton Ranch Road to Parkwood Drive (Oak Hill Elementary School).

Section 11-2-99(j) 35 mph when flashing

Add: FM 969 from 998 feet west of Hunters Bend to 676 feet West of Hunters Bend (Hornbsey Dunlap Elementary School).

Section 11-2-100(c) 45 mph

Delete: Martin Luther King, Jr. Boulevard (FM 969) from 276 feet east of Springdale Road (Station 71+22) to east City limits, entrance, Travis State School (Station 217+ 0536).

East Martin Luther King, Jr. Boulevard (FM 969) from Airport Boulevard (Station 0+00) 3000 block to 27 feet west of J. J. Seabrook Drive (Station 42+65) 4000 block.

Add: East Martin Luther King, Jr. Boulevard from Airport Boulevard to J. J. Seabrook Drive.

Section 11-2-100(d) 50 mph

Delete: East Martin Luther King, Jr. Boulevard (FM969) from 27 feet west of J. J. Seabrook Drive (Station 42+65) 4000 block to 276 feet east of Springdale Road (Station 71+22) 4600 block.

Add: East Martin Luther King, Jr. Boulevard (FM969) from J. J. Seabrook Drive to Ed Bluestein Boulevard (U.S. 183)

FM 969 from Ed Bluestein Boulevard (U.S. 183) to 81 feet west of Imperial Drive.

Section 11-2-100(a) 35 mph

Add: Great Hills Trail from Research Boulevard (U.S. 183) to Capital of Texas Highway (Loop 360).

ITEM PULLED OFF AGENDA

Pulled from the agenda was a resolution to approve the following speed zone change:

Section 11-2-100(e) 55 mph

Add: FM 969 from 81 feet west of Imperial Drive to 600 feet west of Hunters Bend.

Section 11-2-100(c) 45 mph

Delete: U.S. 290 (Main Lanes) from 170 feet east of the Southern Pacific Railroad crossing to 470 feet east of the centerline of Airport Boulevard, for westbound traffic only.

U.S. 290 (Main Lanes) from 780 feet east of the centerline of Berkman Drive to 1510 feet east of the centerline of Northeast Drive.

Add: Spur 69 from 170 feet east of the Southern Pacific railroad crossing to mile point 2.313 at North IH-35 for westbound traffic only.

Section 11-2-100(e) 55 mph

Delete: U.S. 290 (Main Lanes) from 470 feet east of the centerline of Airport Boulevard to 780 feet east of the centerline of Berkman Drive, for westbound traffic only.

U.S. 290 (Main Lanes) from 1510 feet east of the centerline of Northeast Drive, to the east city limits (2400 feet north of the centerline of U.S. 183).

Add: U.S. 290 East from mile point 2.313 at North IH-35 to mile point 8.179 (1.22 miles or 6,442 feet east of FM 3177).

CONSENT RESOLUTIONS

The Council, on Councilmember Humphrey's motion, Councilmember Carl-Mitchell's second, adopted the following resolutions all in one consent motion: (7-0 Vote)

Capital Improvements Program

Approved acquisition of a 10 acre tract of land for the Northtown Reservoir (North Pressure Zone). C.I.P. No. 86/22-36.

Release of Easement

Authorized release of a portion of the Drainage and Public

Utility Easement along the south property line of Lot A, Simon Addition recorded in Book 72 Page 29 in the Plat Records of Travis County, Texas, and locally known as 6800 Mesa Drive.

Contracts Approved

Approved the following contracts:

<p>UNITED STATES PIPE &amp; FOUNDRY COMPANY 900 E. Park Boulevard Plano, Texas Low Bid of 3 0% M/WBE</p>	<p>- Ductile Pipe, General Services Department Twelve (12) month supply agreement Items 1 thru 7 - \$134,645.00 89-0116-LI</p>
<p>DIGITAL EQUIPMENT 9442 Capital of Texas Highway, Suite 200 Austin, Texas Low Bid Meeting Specs 0% M/WBE</p>	<p>- Printer Supplies, General Service Department Twelve (12) Month Supply Agreement Items 1, 3 &amp; 11 - \$58,200.00 89-0057-LI</p>
<p>VAUKESHA-PEARCE INDUSTRIES, INC. 16029 North IH-35 Austin, Texas Low Bid of 3 0% M/WBE</p>	<p>- Motorgrader, General Service Department Total \$66,973.00 89-0080-OM</p>
<p>ARTICARB, INC. Route 5, Box 275 - Highway 41 Dunnellon, Florida Low Bid of 3 0% M/WBE</p>	<p>- Powdered Activated Carbon, Water and Wastewater Department Twelve (12) Month Supply Agreement Item 1 - \$102,412.00 89-0069-LI</p>

Interlocal Cooperating Agreement

Authorized and approved an Interlocal Cooperation Agreement between the City of Austin and Travis County for the county to co-sponsor "Home Chemical Waste Collection Day" and assist in payment of Associated Contractual Services in the minimum amount of \$6,000.00 and the maximum amount of \$10,000.00. (This is to be held on April 22, 1989.)

Public Hearing Set

Set a public hearing on 1989-90 budget issues for April 20, 1989 at 6:00 P.M.

NO ACTION TAKEN ON ITEM

No action was taken on an item to approve settlement re Reyna vs. AYCO Development and the City of Austin.

Rental Rehabilitation Funds

Authorized the set-aside of \$390,287.00 of Fiscal Year 1988-89 Rental Rehabilitation Program funds for contractual grants to Austin Mutual Housing Association and Bryan Kastleman.

Hunger Project's Campaign

Approved support of the Hunger Project's Campaign in the sectors.

Contract Approved

Approved the following contract:

FL Meyer Industries, Inc.	- CAPITAL IMPROVEMENT PROGRAM
Fairbanks - North	Sixteen Tubular Steel
Houston Road	Transmission Poles,
Houston, Texas 77064	Electric Utility
Low Bid Meeting of 3 Meeting Specs.	Total \$304,362.00
- 1 Bid Lower. 0% M/WBE	

EMPLOYEE WORK WEEK

Council had before them for consideration the third reading of an ordinance establishing the number of hours in a work day for use in the computation of pay and benefits for City of Austin employees.

Motion - FAILED

Mayor Pro Tem Shipman made a motion, seconded by Councilmember Carl-Mitchell to continue the current policy and departments are to calculate a 53 hour work week for retirees in the past two years. Motion FAILED by a vote of 3-4 with Mayor Cooke, Councilmembers Humphrey, Nofziger and Urdy voting No.

Mayor Pro Tem Shipman took the chair for the following motion:

Motion

The Council, on Mayor Cooke's motion, Councilmember Urdy's second, passed through THIRD READING of an ordinance establishing the number of hours in a work day for use in the computation of pay and benefits for City of Austin employees. (4-3 Vote, Mayor Pro Tem Shipman, Councilmembers Barnstone and Carl-Mitchell voted No.)

AIRPORT APRON REHABILITATION

The Council, on Councilmember Barnstone's motion, Mayor Cooke's second, adopted a resolution approving ARE, Inc. Engineering Consultants for professional engineering services for the following project:  
1) 1989-1990 Robert Mueller Municipal Airport Terminal Apron Area Pavement Evaluation and Rehabilitation Program. C.I.P. No. 89/81-02 (Estimated cost \$200,000.00)

**MOBILE FOOD VENDORS**

The Council, on Councilmember Nofziger's motion, Councilmember Humphrey's second, waived the requirement for three readings and finally passed an ordinance amending Article V, Section 6-5-187 of the Austin City Code for Mobile Food Vendors. (7-0 Vote)

**MONEY FOR BRIDGE LIGHTING DESIGN**

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, passed through FIRST READING of an ordinance amending the 1988-89 Financial Plan by appropriating \$25,000.00 from the ending balance to fund the Town Lake Committee Bridge Lighting Design Competition. (4-3 Vote, Mayor Cooke, Councilmembers Urdy and Barnstone voted No.)

**PUBLIC HEARINGS ON APPEAL SET.**

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, set a public hearing, at the request of Ms. Leonora C. Aquila, on an appeal of the Building Standards Board's decision regarding the demolition recommendation for property located at 2601-B Hoeke Lane for May 4, 1989 at 5:00 P.M. (7-0 Vote)

**REQUEST FOR APPEAL WITHDRAWN**

Mr. Jorge G. Sanchez withdrew his request for a public hearing on an appeal of the Building Standards Board's decision regarding demolition order to property located at 6415 Bridgewater Drive.

**INTERLOCAL AGREEMENT**

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Urdy's second, adopted a resolution to negotiate and enter into an Interlocal Agreement with the citizens of Taylor and Georgetown for conveyance and removal of two package treatment plants from the Williamson Creek Wastewater Treatment Plant and approve sale of three package treatment plants to PSG, Inc., for a payment to the City of \$201,000.00. (4-0 Vote, Councilmembers Barnstone, Humphrey and Nofziger out of the room.)

**EXECUTIVE SESSION**

Mayor Cooke announced Council would go into executive session pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated, to discuss matters of land acquisition, litigation and for personnel matters. No final action, decision or vote by the City Council will be taken on any subject or matter unless specifically listed on the agenda for this meeting.

Pending Litigation - Section 2, Paragraph e

(a) City of Austin vs. Houston Lighting and Power

- (b) Reyna vs. AYCO Development Corporation and the City of Austin

Land Acquisition - Section 2, Paragraph f

- (c) Discuss proposals for convention center site selection

RECESS

Council recessed its meeting from 3:15 to 4:30 P.M. When the Council ended its executive session, Mayor Cooke announced Council would be in recess from 4:30 to 5:00 P.M. Council resumed its recessed meeting at 5:15 P.M.

OUTER LOOP

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, adopted a resolution regarding the outer loop. (5-2 Vote, Councilmember Urdy and Mayor Cooke voted No.)

RECESS

Council recessed its meeting from 6:19 P.M. to 7:10 P.M.

PUBLIC HEARING - CONVENTION CENTER

Mayor Cooke opened the public hearing set for 7:00 P.M. to consider a site selection for convention center. Speaker's cards are on file in the City Clerk's office.

Motion

Councilmember Nofziger moved that the convention center be built at site F. Mayor Pro Tem Shipman seconded the motion.

Friendly Amendment - Modified and Accepted

Councilmember Barnstone offered a friendly amendment as follows:

Select Site F with the following conditions:

- A. 85% of the square feet of the privately held property will be offered to be sold to the City, upon satisfactory conditions, as a free option for the City to exercise within 180 days.
- B. Options must be delivered to the City within 30 days from the date of the City Council's decision on site selection.
- C. Acquisition cost to the City of the privately owned property on Site F will be at a maximum of \$35.50 per square foot (for fee simple ownership) or at the appraised value, whichever is lower.

- D. The City will not exercise the options to purchase unless affordable financing can be arranged as described below.
- E. At the time of closing of the properties acquired pursuant to the options (which closings shall occur within 180 days of the exercise of the options), agent will deliver properties to the City free and clear of all liens, leasehold interests and other encumbrances objectionable to the City.
- F. If option agreements, as highlighted, are not delivered by May 15, 1989 at 5:00 CDT to the City, the City shall proceed to accept the exchange or sale presented tonight on Site C.
- G. Regarding the publicly held land on Site F, specifically U.T. owned land, the City will by May 15, 1989, seek to reach a successful agreement with U.T. to acquire their land, after an appraisal, with a land swap preferred.
- H. The City Manager will close on the offers for the sale of privately held land only after the bonds have been sold.

#### Financing

- A. Affordable financing means bond financing on reasonable terms, supported by a Net Revenue Pledge. Net Revenue Pledge shall mean gross revenues received from operation of the convention center, plus all revenues derived from the Bed Tax (currently 4 out of 7 cents), minus all operation and maintenance expenses of the convention center which are payable from current revenues (rather than from Convention Center Operating Reserves or Mixed Drink Tax receipts).
- B. Other than Mixed Drink Tax receipts, no other General Fund monies (specifically including Property Taxes), will be used to operate or subsidize the convention center debt or its operating and maintenance expenses.
- C. Pursue acquiring enabling legislation from the 71st Legislature to use 1/4 cent of sales tax from 1990-1994 to be used for construction costs for the convention center. Such use would cease after December 31, 1994.
- D. Conduct a Revenue Bond Election on July 29, 1989 in an amount (to be determined by June 15, 1989) that could be supported by a Net Revenue Pledge, as defined above.

After discussion among the Council, the friendly amendment was modified by the Council and accepted by the maker of the motion as follows:

Select Site F with the following conditions:

- A. 85% of the square feet of the privately held property will be offered to be sold to the City, upon satisfactory conditions, as a free option for the City to exercise within 180 days.
- B. Options must be delivered to the City within 30 days from the date of the City Council's decision on site selection.
- C. Acquisition cost to the City of the privately owned property on Site F will be at a maximum of \$35.50 per square foot (for fee simple ownership) or at the appraised value, whichever is lower.
- D. The City will not exercise the options to purchase unless affordable financing can be arranged as described below.
- E. At the time of closing of the properties acquired pursuant to the options (which closings shall occur within 180 days of the exercise of the options), agent will deliver properties to the City free and clear of all liens, leasehold interests and other encumbrances objectionable to the City.
- F. If option agreements, as highlighted, are not delivered by May 15, 1989 at 5:00 CDT to the City, the City shall proceed to accept the exchange or sale presented tonight on Site C.
- G. Regarding the publicly held land on Site F, specifically U.T. owned land, the City will by May 15, 1989, seek to reach a successful agreement with U.T. to acquire their land, after an appraisal, with a land swap preferred, which shall not include City owned land adjacent to Town Lake or Lake Austin.
- H. The City Manager will close on the offers for the sale of privately held land only after the bonds have been sold.

#### Financing

- A. Affordable financing means bond financing on reasonable terms, supported by a Net Revenue Pledge. Net Revenue Pledge shall mean gross revenues received from operation of the convention center, plus all revenues derived from the Bed Tax (4 out of 7 cents), minus all operation and maintenance expenses of the convention center which are payable from current revenues (rather than from Convention Center Operating Reserves or Mixed Drink Tax receipts).
- B. No General Fund monies (specifically including Property Taxes), will be used to operate or subsidize the convention center debt or its operating and maintenance expenses.

- C. Pursue acquiring enabling legislation from the 71st Legislature to use an additional 1/4 cent of sales tax from 1990-1994 to be used for construction costs for the convention center. Such use would cease after December 31, 1994.
- D. Conduct a Revenue Bond Election on July 29, 1989 in an amount (to be determined by June 15, 1989) that could be supported by a Net Revenue Pledge, as defined above.

Additional Amendment

Councilmember Nofziger further amended the motion as follows:

- (1) the Site shall provide replacement for park functions at Palm Park;
- (2) the City shall protect the adjacent neighborhoods from noise, lights and drive-through traffic caused by the convention center;
- (3) the staging area for the convention center shall not be located in the surrounding residential neighborhoods;
- (4) sufficient parking shall be provided for the convention center; and
- (5) the City shall (1) restrict zoning changes in the adjacent neighborhoods so that their residential character can be protected, and (2) whenever possible, eliminate spot zoning which has already infringed on the residential character of the neighborhood.

Friendly Amendment - Accepted

Councilmember Humphrey offered a friendly amendment that the convention center would have a renewable resource electrical generation on top, not completely, but as best as the architectural ability to put it on top. Councilmember Nofziger accepted the friendly amendment.

Friendly Amendment - Accepted

Mayor Cooke offered a friendly amendment that the City Manager bring back something within the next two weeks regarding the neighborhood protection issue and minority participation that the Council could speak to and further modify this motion. Councilmember Nofziger accepted the friendly amendment.

Substitute Motion - FAILED

Councilmember Humphrey moved that the Council select Site C. The motion, seconded by Councilmember Urdy failed by a 3-4 vote. Mayor Cooke, Mayor Pro Tem Shipman, Councilmembers Barnstone and Nofziger voted No.

Vote on Original Motion as Amended

Roll call on the motion showed a 5-2 vote with Councilmembers Barnstone and Carl-Mitchell voting No.

Reconsideration of Motion

The Council, on Councilmember Urdy's motion, Mayor Cooke's second, reconsidered the preceding motion. (7-0 Vote)

Vote on Original Motion as Amended

The Council, on Councilmember Barnstone's motion, Mayor Pro Tem Shipman's second, approved the original motion as amended. (6-1 Vote, Councilmember Carl-Mitchell voted No.)

Operating Budget Amendment

The Council, on Councilmember Nofziger's motion, Mayor Cooke's second, waived the requirement for three readings and finally passed an ordinance amending the 1988-89 Operating Budget by transferring \$150,000.00 from the Convention Center Reserve Fund to the Convention Center Capital Budget to pay for the costs of the Convention Center Bond Election. (6-1 Vote, Councilmember Barnstone voted No.)

Site Analysis and Schematic Design

The Council, on Councilmember Carl-Mitchell's motion, Mayor Cooke's second, authorized the City Manager to issue Notice to Proceed on the Site Analysis and Schematic Design to Gilbane Building Company for the Convention Center Project. (7-0 Vote)

Property Acquisition

The Council, on Mayor Pro Tem Shipman's motion, Mayor Cooke's second, adopted a resolution authorizing the City Manager to proceed to extend offers to property owners to acquire the property needed for the Convention Center and to extend offers to purchase expansion space for the Convention Center. (7-0 Vote)

Election to be Called

The Council, on Councilmember Urdy's motion, Mayor Cooke's second, adopted a resolution to direct the City Manager, the City Clerk and the Gilbane Company to take all steps necessary for the City Council to call an election on July 29, 1989 for the authorization of revenue bonds for the construction of a Convention Center. (7-0 Vote)

ADJOURNMENT - Council adjourned its meeting at 1:00 A.M. April 14, 1989.